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7 Attorneys for Energy Recovery, Inc.,
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8 UNITED STATES DISTRICT COURT
9
10 NORTHERN DISTRICT OF CALIFORNIA
11
12 SAN FRANCISCO DIVISION

13 IN RE ENERGY RECOVERY, INC.
14 SECURITIES LITIGATION

Case No. 3:15-cv-00265-EMC

CLASS ACTION

15 STIPULATION AND ~~[PROPOSED]~~ ORDER
16 TO CONTINUE CASE MANAGEMENT
17 CONFERENCE

Hon. Edward M. Chen

STIPULATION

The parties to this action, by and through their respective counsel, stipulate and agree as follows:

WHEREAS, this case is a putative class action brought under the Securities Exchange Act of 1934 (the "Exchange Act");

WHEREAS, section 21D(b)(3)(B) of the Exchange Act, 15 U.S.C. section 78u-4(b)(3)(B), provides for a mandatory and automatic stay of all discovery and other proceedings during the pendency of any motion to dismiss brought in this matter;

WHEREAS, on May 26, 2016, Lead Plaintiff Henry Low ("Plaintiff") filed the Second Amended Class Action Consolidated Complaint for Violation of the Federal Securities Laws (the "Complaint") (ECF No. 99);

WHEREAS, on June 13, 2016, Defendants Energy Recovery, Inc., Thomas Rooney, and Audrey Bold (collectively, "Defendants") filed a motion to dismiss the Complaint (ECF No. 100);

WHEREAS, following briefing on Defendants' motion to dismiss, the Court held a hearing on July 21, 2016;

WHEREAS, on August 5, 2016, the Court agreed to reserve decision on the motion to dismiss while the parties took part in private mediation;

WHEREAS, the parties conducted mediation on Wednesday, October 12th and reached an agreement in principle to settle the action, subject to negotiation of certain details;

WHEREAS, the parties have entered into a memorandum of understanding with regards to the settlement; and

WHEREAS, the parties therefore respectfully request that the Court continue the Case Management Conference for thirty days so that the parties may attempt to finalize the language and terms of the settlement agreement.

NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE, subject to the Court's approval, that the Case Management Conference, currently set for December 15, 2016 be continued for thirty days.

1 **IT IS SO STIPULATED.**

2
3 Dated: December 8, 2016

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6
7 /s/ David M. Furbush
By: David M. Furbush

8 *Attorneys for Defendants Energy Recovery,*
9 *Inc., Thomas S. Rooney, Jr., and Audrey*
10 *Bold*

11
12 Dated: December 8, 2016

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15 /s/ Adam M. Apton
16 By: Adam M. Apton

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20 *Attorneys for Lead Plaintiff Henry Low and*
21 *Lead Counsel for Class*

22 **CIVIL LOCAL RULE 5-1 ATTESTATION**

23 In accordance with Civil Local Rule 5-1(i)(3), I hereby attest that the other signatories
24 concurred in this filing.

25
26 Dated: December 8, 2016

27 /s/ James M. Lindfelt
By: JAMES M. LINDFELT

~~PROPOSED~~ ORDER

Upon review of the parties' Stipulation to Continue the Case Management Conference,
and good cause appearing therefore,

IT IS HEREBY ORDERED AS FOLLOWS:

1. The Case Management Conference currently set for December 15, 2016 shall be
continued to January 26, 2017 at 10:30 a.m.

IT IS SO ORDERED.

DATED: December 12, 2016

